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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

FILED
1/27/2021 3:37 PM
Firm ID: 29678 IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2020L001208

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

DAVID FLORES,

Plaintiff,

vs.

WILLIAM MESSINO, Star #18980, Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, a Municipal Corporation, WILLIAM PAPASTEFAN, Star #9236 Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, a Municipal Corporation, JOSEPH SIMIONI, Star #5123 Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, BRIAN SPRENG, Star #5688 Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, PETER DEL NODAL, Star #8584 Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, GREG GORZELANY, Star #11422, Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, SERGIO CORONA, Star #3331, Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, MARCO SIMONETTI, Star #9531, Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, SANTOS RUIZ, Star #14135, Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT, RAID GHANIMAH, Star #5404, Individually and as agent, servant and/or employee of CHICAGO POLICE DEPARTMENT and CITY OF CHICAGO, a Municipal Corporation,

Defendants.

Court # 2020 L 001208

FILED DATE: 1/27/2021 3:37 PM 2020L001208

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FIRST AMENDED COMPLAINT

COUNT I
INTENTIONAL TORT ASSAULT AND BATTERY

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, WILLIAM MESSINO, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.
2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, WILLIAM MESSINO, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.
3. That said Defendant, WILLIAM MESSINO, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.
4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.
5. That it was the duty of the Defendants, WILLIAM MESSINO, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

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6. That at the aforesaid time and place, the Defendant, WILLIAM MESSINO, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, WILLIAM MESSINO, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, WILLIAM MESSINO, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

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**COUNT II
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, WILLIAM PAPASTEFAN, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.
2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, WILLIAM PAPASTEFAN, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.
3. That said Defendant, WILLIAM PAPASTEFAN, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.
4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.
5. That it was the duty of the Defendants, WILLIAM PAPASTEFAN, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

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6. That at the aforesaid time and place, the Defendant, WILLIAM PAPASTEFAN, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, WILLIAM PAPASTEFAN, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, WILLIAM PAPASTEFAN, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT III
INTENTIONAL TORT ASSAULT AND BATTERY**

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NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, JOSEPH SIMIONI, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.

2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, JOSEPH SIMIONI, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.

3. That said Defendant, JOSEPH SIMIONI, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendants, JOSEPH SIMIONI, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendant, JOSEPH SIMIONI, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE

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DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, JOSEPH SIMIONI, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, JOSEPH SIMIONI, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT IV
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, BRIAN SPRENG, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE

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DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.

2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, BRIAN SPRENG, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.

3. That said Defendant, BRIAN SPRENG, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendants, BRIAN SPRENG, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendants, BRIAN SPRENG, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including,

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including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,

- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, BRIAN SPRENG, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, BRIAN SPRENG, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT V
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, PETER DEL NODAL, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

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1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.

2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, PETER DEL NODAL, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.

3. That said Defendant, PETER DEL NODAL, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendants, PETER DEL NODAL, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendant, PETER DEL NODAL, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,

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- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, PETER DEL NODAL, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, PETER DEL NODAL, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT VI
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, GREG GORZELANY, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.

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2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, GREG GORZELANY, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.

3. That said Defendant, GREG GORZELANY, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendants, GREG GORZELANY, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendant, GREG GORZELANY, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, GREG GORZELANY, Individually, and acting as agent, servant and/or employee

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of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, GREG GORZELANY, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT VII
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, SERGIO CORONA, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.
2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, SERGIO CORONA, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.

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3. That said Defendant, SERGIO CORONA, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendants, SERGIO CORONA, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendant, SERGIO CORONA, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, SERGIO CORONA, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he

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suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, SERGIO CORONA, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT VIII
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, MARCO SIMONETTI, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.
2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, MARCO SIMONETTI, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.
3. That said Defendant, MARCO SIMONETTI, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

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4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendants, MARCO SIMONETTI, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendant, MARCO SIMONETTI, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, MARCO SIMONETTI, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, MARCO SIMONETTI, herein acting as agent, servant and/or employee of

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Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

**COUNT IX
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, SANTOS RUIZ, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.
2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, SANTOS RUIZ, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.
3. That said Defendant, SANTOS RUIZ, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.
4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.
5. That it was the duty of the Defendants, SANTOS RUIZ, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF

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CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

6. That at the aforesaid time and place, the Defendant, SANTOS RUIZ, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, SANTOS RUIZ, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, SANTOS RUIZ, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

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**COUNT X
INTENTIONAL TORT ASSAULT AND BATTERY**

NOW COMES the Plaintiff, DAVID FLORES, by and through THE LAW OFFICES OF GREGG L. SMITH, P.C., and complaining of the defendant, RAID GHANIMAH, herein acting as agent, servant and/or employee of the Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, states as follows:

1. That on or about January 29, 2019, the Plaintiff, DAVID FLORES, was at or near 6720 West Belmont Avenue in the City of Chicago, County of Cook and State of Illinois.

2. That on or about January 29, 2019, and for a long time prior thereto, the defendant, RAID GHANIMAH, was employed as City of Chicago Police Officers by virtue of the law of the State of Illinois.

3. That said Defendant, RAID GHANIMAH, poured, sprayed, or discharged an unknown chemical substance on DAVID FLORES, resulting in injuries including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes, which caused a deterioration in his physical and mental condition.

4. That at all times mentioned in this complaint the plaintiff was in the exercise of due care and caution for his own safety.

5. That it was the duty of the Defendant, RAID GHANIMAH, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, not to subject the Plaintiff to unreasonable risk of injury.

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6. That at the aforesaid time and place, the Defendants, UNKNOWN CHICAGO POLICE OFFICERS, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, did commit one or more of the following intentional acts:

- a. Intentionally poured, sprayed or discharged an unknown chemical substance on the plaintiff about his body, limbs and face, resulting in injuries, including, including, but not limited to burns to his hands, wrists, left flank, hip, buttock, left foot and toes; and,
- b. Intentionally poured, sprayed or discharged and unknown chemical substance on the Plaintiff without probable cause and without provocation and without fear for their lives.

7. That as a direct and proximate result of the aforesaid intentional acts of the Defendant, RAID GHANIMAH, Individually, and acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, said Plaintiff was seriously and permanently injured, both internally and externally, specifically, plaintiff suffered multiple body trauma and mental damage; he suffered great pain and anguish and was hindered and delayed in his occupation and continues in said same condition presently.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendant, RAID GHANIMAH, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

COUNT XI
RESPONDEAT SUPERIOR

1. Plaintiff realleges and incorporates Counts I-X as if fully set forth herein.

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2. The actions of the individual Defendants, WILLIAM MESSINO, Star #18980, WILLIAM PAPASTEFAN, Star #9236, JOSEPH SIMIONI, Star #5123, BRIAN SPRENG, Star #5688, PETER DEL NODAL, Star #8584, GREG GORZELANY, Star #11422, SERGIO CORONA, Star #3331, MARCO SIMONETTI, Star #9531, SANTOS RUIZ, Star #14135, RAID CHANIMAH, Star #5404, as set forth above and herein were done while the Defendants were within the scope of their employment.

3. Defendant, City of Chicago employed said Defendants and is therefore liable under the Doctrine of Respondeat Superior for the state law claims alleged in Counts I-X above.

WHEREFORE, the plaintiff, DAVID FLORES, prays for judgment against the defendants, WILLIAM MESSINO, Star #18980, WILLIAM PAPASTEFAN, Star #9236, JOSEPH SIMIONI, Star #5123, BRIAN SPRENG, Star #5688, PETER DEL NODAL, Star #8584, GREG GORZELANY, Star #11422, SERGIO CORONA, Star #3331, MARCO SIMONETTI, Star #9531, SANTOS RUIZ, Star #14135, RAID CHANIMAH, Star #5404, herein acting as agent, servant and/or employee of Defendant, CHICAGO POLICE DEPARTMENT, and CITY OF CHICAGO, a Municipal Corporation, Individually, in excess of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, plus costs of this action.

COUNT XII
42 U.S.C. § 1983 – EXCESSIVE FORCE

1. Plaintiff realleges and incorporates Counts I-X as if fully set forth herein.

2. Defendants MESSINO, PAPASTEFAN, SIMIONI, SPRENG, NODAL, GORZELANY, CORONA, SIMONETTI, RUIZ, and GHANIMAH violated Plaintiff's Fourth Amendment right, as guaranteed by the Fourteenth Amendment, to be free from the

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use of excessive and unreasonable force.

WHEREFORE, Plaintiff hereby asks that this Honorable Court:

- a) Enter judgment against Defendants MESSINO, PAPASTEFAN, SIMIONI, SPRENG, NODAL, GORZELANY, CORONA, SIMONETTI, RUIZ, and GHANIMAH;
- b) Award Plaintiff compensatory and punitive damages;
- c) Award attorneys' fees and costs; and
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT XIII

42 U.S.C §1983 B – FAILURE TO INTERVENE

1. Plaintiff realleges and incorporates Counts I-XII as if fully set forth herein.
2. While Plaintiff was subjected to excessive force as described above, Defendants MESSINO, PAPASTEFAN, SIMIONI, SPRENG, NODAL, GORZELANY, CORONA, SIMONETTI, RUIZ, and GHANIMAH had an opportunity to intervene, but chose not to intervene.
3. Defendants MESSINO, PAPASTEFAN, SIMIONI, SPRENG, NODAL, GORZELANY, CORONA, SIMONETTI, RUIZ, and GHANIMAH were deliberately indifferent to Plaintiff's right to be free from excessive and unreasonable force.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against MESSINO, PAPASTEFAN, SIMIONI, SPRENG, NODAL, GORZELANY, CORONA, SIMONETTI, RUIZ, and GHANIMAH;
- b) Award Plaintiff compensatory and punitive damages;
- c) Award attorneys' fees and costs; and
- d) Award any further relief that this Honorable Court deems just and equitable.

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COUNT XIV

42 U.S.C. § 1983 – MONELL CLAIM AGAINST CITY OF CHICAGO

1. Plaintiff realleges Counts I-XIII, as if fully set forth herein.
2. At all times material to this Complaint, there existed in the CITY OF CHICAGO the following practices, policies and customs:
 - a. arbitrary use of excessive force against suspects, arrestees, detainees and other civilians,
 - b. preparing false and incomplete police reports, and/or not preparing police reports, to cover up police misconduct including unconstitutional searches and seizures,
 - c. filing false charges and pursuing baseless prosecutions in order to protect police officers from claims of improper conduct and avoid liability,
 - d. a code of silence in which police officers fail to report police misconduct,
 - e. applying this code of silence in that police officers either remain silent or give false and misleading information during trials and official investigations to cover up misconduct,
 - f. failing to adequately train, supervise and discipline police officers in the categories and fields of police work addressed above,
 - g. failing to adequately investigate citizen complaints against police officers,
 - h. failing to adequately discipline police officers for misconduct.
3. The actions of the Defendant-officers as alleged in this Complaint were taken pursuant to, and as a result of, one or more of the above de facto practices, policies and customs of the CITY OF CHICAGO, the CHICAGO POLICE DEPARTMENT, and its police officers.
4. No meaningful discipline has been imposed on the Defendant-officers in this case.

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5. One or more of the following entities, authorities and officials are responsible for the policies, practices and customs alleged above: the Mayor of Chicago, the City Council, the Chicago Police Department.

6. The practices, policies and customs described above are widespread, permanent and well-settled, and were known, or should have been known, to the municipal policy-makers of the CITY OF CHICAGO.

7. The municipal policy-makers of the CITY OF CHICAGO acted with deliberate indifference in maintaining, overlooking and preserving the unconstitutional practices, policies and customs delineated above.

8. By their inaction and failure to correct the above-described practices, policies and customs, municipal policy-makers tacitly approve and thus indirectly authorize the type of misconduct Plaintiff complains of herein.

WHEREFORE, Plaintiff asks that this Honorable Court:

- a) Enter judgment against Defendant CITY OF CHICAGO;
- b) Award Plaintiff compensatory damages;
- c) Award attorneys' fees and costs; and,
- d) Award any further relief that this Honorable Court deems just and equitable.

COUNT XV
INDEMNIFICATION CLAIM PURSUANT TO 745 ILCS 10/9-102

1. The acts of the Defendant-Officers described in the above claims were willful and wanton, and committed in the scope of employment.

2. Pursuant to the Illinois Tort Immunity Act, 745 ILCS 10/9-102, Defendant CITY OF CHICAGO is liable for any judgments for compensatory damages in this case arising from the individual Defendant-Officers' actions.

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WHEREFORE, Plaintiff asks that this Honorable Court order Defendant CITY OF CHICAGO to indemnify Defendants MESSINO, PAPASTEFAN, SIMIONI, SPRENG, NODAL, GORZELANY, CORONA, SIMONETTI, RUIZ, and GHANIMAH for any judgment for compensatory damages in this case arising from their actions.

Respectfully submitted,

/s/ Gregg L. Smith
Attorney for Plaintiff

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